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REMARKS

Claims 1-20 are pending in the application.

Claims 1-20 have been rejected.

REJECTIONS UNDER §112, PARAGRAPH 2

With regard to the "internal consistency" language of claims 2 and 11, applicant respectfully notes that this process is discussed in the specification, e.g. at paragraph 0053. Those of skill in the art recognize the need for and meaning of internal consistency in a taxonomy. The Examiner objects that he cannot find enough references specifically using the terms "internal consistency" and "taxonomy" in the same paragraph.

For the Examiner's convenient reference, the American Heritage® Dictionary of the English Language (Fourth Edition, 2000) defines the relevant terms as follows:

tax·on·o·my: 1. The classification of organisms in an ordered system that indicates natural relationships. 2. The science, laws, or principles of classification; systematics. 3. Division into ordered groups or categories.

in·ter·nal: 1. Of, relating to, or located within the limits or surface; inner. 2. Residing in or dependent on essential nature; intrinsic: the internal contradictions of the theory. 3. Located, acting, or effective within the body. 4. Of or relating to mental or spiritual nature: "An internal sense of righteousness dwindles into an external

concern for reputation" (A.R. Gurney, Jr.). 5. Of or relating to the domestic affairs of a nation, group, or business.

con·sis·ten·cy: 1a. Agreement or logical coherence among things or parts: a rambling argument that lacked any consistency. b. Correspondence among related aspects; compatibility: questioned the consistency of the administration's actions with its stated policy. 2. Reliability or uniformity of successive results or events: pitched with remarkable consistency throughout the season. 3. Degree of density, firmness, or viscosity: beat the mixture to the consistency of soft butter.

Those of skill in the art, therefore, would readily recognize, by the plain meaning of the words, that the internal consistency of a taxonomy refers to the logical coherence among the parts of the classification system. Particularly in a system such as described in the instant application, where a plurality of local taxonomies are extracted and associated into an integrated taxonomy, those of skill in the art will recognize that it is important to ensure that the final, integrated taxonomy is internally consistent.

That the Examiner does not find other discussion of this particular issue in the prior art can simply indicate that this problem has not been addressed by the prior art, and so highlights the novelty and unobviousness of the claimed inventions. A discrete taxonomy, when created, is naturally created to be internally consistent. If multiple taxonomies are combined, as in the present disclosure, it becomes advantageous to ensure that the final, integrated taxonomy is internally consistent, and those of skill in the art will understand that. The specification describes specific steps to increase the internal consistency of the integrated taxonomy.

The Examiner also rejects claims 6 and 15, on the basis that the term "higher order language" renders the claim indefinite, and that "applicant fails to set the boundary where the 'higher order language' starts." As the term "higher order language" does not appear in claim 6, claim 15, any other claim, or anywhere in the specification, Applicant assumes that the Examiner intended this rejection for some other application in his docket.

These rejections are traversed.

CLAIM REJECTIONS -- 35 U.S.C. §101

Claims 1-20 were rejected under 35 U.S.C. §101 for nonstatutory subject matter. These rejections are traversed.

The Examiner's rejection under §101 is unfounded, and completely without basis in statutory or common law. The Examiner is respectfully referred to BPAI precedential opinion Ex Parte Lundgren, Appeal No. 2003-2088, decided October 2005.

The Federal Circuit has held that a process claim that applies a mathematical algorithm to "produce a useful, concrete, tangible result without pre-empting other uses of the mathematical principle, on its face comfortably falls within the scope of § 101," AT&T Corp. v. Excel Communications, Inc., 172 F.3d 1352, 1358, 50 USPQ2d 1447, 1452 (Fed. Cir. 1999). The only relevant inquiry is whether the claimed methods and systems produce a result that is useful, concrete, and tangible.

Each of these claims includes producing an integrated enterprise taxonomy. This result is useful, concrete, and tangible, as described in the background section of the instant application,

and the novel process for producing the taxonomy is described throughout the application. Those of skill in the art recognize the value of such a taxonomy. The Examiner may wish to refer to, for example, http://en.wikipedia.org/wiki/Enterprise_taxonomy as background reference.

The Examiner's statement that "Wikipedia is not an MPEP reference" is inapposite. While the examining corps is properly barred from using Wikipedia as a prior art reference or evidence of prior art, it is completely suitable for use in acquainting the Examiner with value of particular technologies.

The Examiner responds with an argument that the claimed steps amount to "nothing more than an exercise in cataloging information," then apparently argues that cataloging information is not useful, concrete, and tangible. As a general statement, this is, of course, ridiculous. Indeed, the entire operation of the USPTO examining system is based on a system of cataloging and classifying information.

The Examiner complains that the "applicant fails to demonstrate the real world purpose or function, [*sic*] which the invention executes." Claim 1 clearly produces an integrated taxonomy from a plurality of local taxonomies, using specific techniques for associating various parts of the taxonomies. The Examiner is invited to study, e.g., paragraphs 0007-0009 of the specification as filed for a description of the value and "real world purpose" for such an integrated taxonomy.

Applicant appreciates the Examiner's statements that the claimed invention could be used with human resources, intellectual property, or inventory. There are indeed a wide range of practical applications for the disclosed inventions.

The Examiner's specific objection to the quoted phrase "generating an intellectual capital management system" is not understood, as again, this phrase doesn't actually appear in the present application. Applicant cannot, of course, address the Examiner's hypothetical language.

Finally, with regard to the Examiner's suggestion that the "interim guidelines" should be reviewed, Applicant respectfully expresses deep appreciation for this suggestion, but prefers to rely on the actual law on the subject, as cited above, such as *Lundgren* and *AT&T Corp.* As the Examiner is surely aware,

> These Guidelines do not constitute substantive rulemaking and hence do not have the force and effect of law. These Guidelines have been designed to assist Office personnel in analyzing claimed subject matter for compliance with substantive law. Rejections will be based upon the substantive law and it is these rejections which are appealable. Consequently, any failure by Office personnel to follow the Guidelines is neither appealable nor petitionable. *MPEP 2106, 8th Edition, Revision 5, October 2006.*

Any appeal will be made from the failure of the rejections to conform to the substantive law.

These rejections are traversed.

CLAIM REJECTIONS -- 35 U.S.C. §102

Claims 1-4, 7-13 and 16-19 were rejected under 35 U.S.C. §102(e) as being anticipated by *Schmitz* (U.S. Patent Publication No. 2003/0149567, hereinafter Schmitz)

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single reference, arranged as they are in the claims. (*MPEP § 2131; In re Bond, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)*). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. (*MPEP § 2131; In re Donohue, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985)*).

Claim 1 requires extracting a plurality of local taxonomies from the plurality of local enterprise community models. Claims 10 and 19 include similar limitations. The Examiner alleges that this is taught by Schmitz at paragraph 0037:

> Preferably, all of the analytics take place within the transaction engine 207 upon receiving the analytics object. The transaction engine 207 receives analytics requests as objects. From these objects, the transaction engine 207 preferably extracts the client identifier inserted by the request normalizer 206 and the taxonomy description. The transaction engine 207 may use the client identifier and the taxonomy description, together with other pieces of information embedded in the analytics request including the date and time of the request, to update the analytics database 209 and the taxonomy database 208.

As may be seen, at most, this describes extracting a "taxonomy description" from "analytics object". Schmitz does not teach or suggest anything about the claimed enterprise community models, and does not teach or suggest extracting a plurality of local taxonomies.

At best, Schmitz describes a single "natural language taxonomy" stored in a "taxonomy database". There is no teaching or suggestion at all of any plurality of local taxonomies, and so the Schmitz cannot anticipate the plain language of the claims. The rejection is legally and factually deficient, as can be discussed at length on appeal.

Claim 1 also requires correlating from each of said plurality of local taxonomies a set of topics and a set of associations for generating correlated topics and associations set relating to each of said plurality of local taxonomies. Claims 10 and 19 include similar limitations. The Examiner alleges that this is taught by Schmitz at paragraph 0029:

> FIG. 1B illustrates the same URL request and response illustrated in FIG. 1(A), including an integrated taxonomy driven analytics system according to an embodiment of the invention. In this example, the requested URL 103 has gone unchanged from the previous example. However, the response sent back by the resource server has been altered. The request may now contain a small script that includes a taxonomy description 104 corresponding to the requested resource. The request may also include an instruction to the client system to perform an analytics request 105. When the client system receives this response from the resource server, it may display the text of the HTML page. Similarly, the client system may execute a script included by the resource server. The taxonomy string is defined in this script. The taxonomy string preferably includes a series of attribute-value pairs. The attributes in the provided taxonomy example are "category", "page", and "instance". The natural language words that are defined to be attributes may be arbitrary and selected by a Web server operator. These values are "patent", "figures", and "1", respectively, in this example. As with the attributes, the words that serve as the values for the given attributes may be arbitrary and selected by the Web server operator. The resulting attribute-value pairs used in the illustrated examples are "category=patent", "page=figures", and "instance=1". In this example, the "&" character is used as a delimiter between the attribute-value pairs that comprise the taxonomy description. When the client executes the analytics request 105, the client system may send the contents

> of the taxonomy string 105 as part of the analytics request. This taxonomy string may then be used by an analytics system as the basis for resource utilization calculations. When comparing the request URL 103 to the taxonomy description 104, it is evident that the taxonomy driven analytics provides more contextual and descriptive information.

As can be seen, Schmitz does not teach or suggest correlating a set of topics and a set of associations from each of a plurality of local taxonomies. Schmitz also does not teach or suggests generating a correlated topics and associations set relating to each of said plurality of local taxonomies according to the topics and associations, as claimed.

Claim 1 also requires deriving a plurality of synonym links for linking synonyms within said correlated topics and associations set. Claims 10 and 19 include similar limitations. The Examiner alleges that this is taught by Schmitz at paragraphs 0029 (above) and 0027:

> An embodiment of the present invention provides a computer method and system for using natural language taxonomy in the analytics of computer resource utilization via the Internet. In comparison to URLs, the natural language taxonomy can provide a more intuitive and human readable description of computing resources. The taxonomy may be defined as a series of arbitrary attribute-value pairs deemed to be an appropriate description of a Web site's, or resource server's, operator. The words used as attributes and their corresponding values may be arbitrary selected. Additionally, there is no limitation placed upon the number of attribute-value pairs that may comprise a taxonomy string. In a preferred embodiment, a Web site operator's natural language and/or business lexicon is used to describe the contents of resources available through a given resource server. This taxonomy is ideal in situations in which the information encoded with a URL is inadequate, unintelligible, or unavailable.

Clearly, at no point does Schmitz teach or suggest anything related to synonym links, as claimed. The Examiner's statement that "'Natural language' taxonomy can be used to make

'synonym links' of the 'attribute value' (a superset of category) of Schmitz" is unsupported in the cited art. Further, even if it were true, the fact that the Examiner makes the hindsight observation that something "could" have been done in Schmitz only illustrates that Schmitz does not in fact make any such teaching or suggestion.

Claim 1 also requires integrating said plurality of synonym links and said correlated topics and associations set into an integrated enterprise taxonomy. Claims 10 and 19 include similar limitations. The Examiner originally alleged that this is taught by Schmitz at paragraph 0038:

> Upon receipt of the analytics object, the analytics system 203 preferably begins its analysis of the client request. The most fundamental of which is to extract and store the taxonomy data inserted by the Web server in a taxonomy database. This is performed by disassembling the full taxonomy description into its attribute-value components. Each attribute, value, and attribute-value combination has their own entry in the taxonomy database 208, in addition to a numeric identifier.

In the final rejection, the Examiner referred instead to Schmitz at paragraph 0039:

> When all the attribute-value pairs that comprise a taxonomy description have been stored in the taxonomy database 208, an attribute-value composite string may be generated. This composite string may be stored in the taxonomy database 208 and assigned a unique numeric identifier known as an avcomp id. The avcomp id may be used as the basis for all Web site usage statistics and analytics generated by the analytics system 203. As the analytics system 203 completes it calculations on a particular object, it may store the results in the analytics database 209. Other applications may then leverage the presence of the taxonomy database 208 and the analytics database 209 to present real-time resource utilization statistics keyed off of taxonomy data.

As Schmitz does not teach or suggest synonym links at all, it clearly does not teach or suggest integrating them into an integrated enterprise taxonomy, and it is certainly clear that the passage relied upon by the Examiner includes no such teaching. The Examiner now states that "'[s]ynonym links' of applicant is accomplished by the 'using statistics and analytics generated by the analytics system' of Schmitz." This is simply unsupported in the paragraphs above, as alleged by the Examiner, and certainly doesn't show deriving a plurality of synonym links for linking synonyms within said correlated topics and associations set.

Claim 1 also requires exporting said integrated enterprise taxonomy into said intellectual capital management system. Claims 10 and 19 include similar limitations. The Examiner alleges that this is taught by Schmitz at paragraph 0039:

> Within each component, such as IT change planning component 88, appear visualizations of objects, such as change plan object 96. Change plan object 96 associates with IT initiatives object 98, as relationship object or connector 100 depicts. Change plan object 96 may also associate with certain IT change planning sub-objects 102 for different functions, such as in this instance, IT change planning. Outputs from change plan object 96 may further pass to IT projects object 104 within IT projects component 92. Thus, with metamodel graphical user interface 80, the user may create a visualization of a functional metamodel of an enterprise.

Clearly there is no teaching or suggestion of exporting an integrated enterprise taxonomy into an intellectual capital management system. The Examiner was unable to show support in the art, for his original statement that "'Exporting said integrated enterprise taxonomy' of applicant is equivalent to 'attribute-value composite string may be generated' of Schmitz." Applicant not simply states, without basis, that "'intellectual capital management system of applicant is equivalent to 'resource utilization of Schmitz'", and cited Schmitz's abstract:

> A client system issues a request for a resource over the Internet from a resource server. In constructing the response, the resource server includes: the data requested by the client, additional instructions for the client system to perform upon arrival of the response, and a natural language identifier which describes the resource requested by the client called the taxonomy string. Upon arrival of the response, the additional instructions inserted by the server system cause the client system to send a subsequent request over the Internet to an analytics system. The analytics request may contain a natural language description of the requested resource and a unique identifier to uniquely identify the client system. The analytics system performs analysis on the natural language identifier and stores it in a taxonomy database. The analytics system also performs calculations using the data provided in the analytics request to determine resource utilization patterns.

The Examiner's baseless statement clearly has nothing to do with the claim limitation. Nothing in Schmitz, and certainly not in the cited portions, includes any teaching or suggestion of exporting an integrated enterprise taxonomy into said intellectual capital management system, as claimed.

The sum of the Examiner's responses to the various distinctions illustrated above is a series of completely unsupported statements alleging equivalency between various claim elements and various elements of Schmitz, while still managing not to show that the claim limitations are actually met. As the final rejection still fails to show that the claimed limitations are taught or suggested by Schmitz or Bernstein, alone or in combination, it is not necessary to address each of the Examiner's remarkable interpretations at this point. Should this case be forced to appeal, the Examiner will be requested to specifically support his reasoning for each of his alleged "equivalencies".

As each of the independent claims include multiple limitations not taught or suggested by the art of record, all anticipation rejections are traversed.

CLAIM REJECTIONS -- 35 U.S.C. §103

Claims 5, 6, 14, 15 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Schmitz in view of *Bernstein* (U.S. Patent Publication No. 2003/0210651, hereinafter Bernstein).

As the limitations described above with relation to each of the independent claims are similarly not taught or taught or suggested by the other art of record, the obviousness rejections are similarly traversed.

All rejections are traversed.

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CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ***manderson@munckbutrus.com***.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 05-0765.

Respectfully submitted,

MUNCK BUTRUS P.C.

Date: 12/20/6

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